REMARKS

Applicant's hereby drop their claim under 35 USC 120 to priority of prior applications 09/602,512 and 09/483,681 and request that a corrected filing receipt be issued.

A few minor changes were made to the specification to correct spelling errors and clarify some sentences.

A voluntary change to claim 3 was made to eliminate limitations requiring the wireless transceiver to be an expansion card and substitute language that only requires the wireless transceiver to be coupled to the PDA host processor. There is no reason why the invention cannot be practiced in a wireless capable PDA which has a wireless capability integrated onto the PDA motherboard and supplied from the factory.

Claim 5 was rejected for indefiniteness for lack of antecedent basis for "host computer". This was amended to "host processor". In addition, language was added voluntarily to specify that the manner in which the program controls the host processor to cause a gateway in the customer premises to send commands to a headend to cause it to control a web connected server to fetch desired data and send it back down to the host processor via the headend and gateway.

Claim 7 was rejected for indefiniteness for lack of clarity as to the meaning of TIVO. In response to this rejection, the TIVO limitation has been removed.

Claim 12 was amended to remove the dependency from non existent claim 33.

Claim 3 and claims 8 - 11 were rejected as obvious over Darbee, 5,778,256. In response, claim 3 was amended to add specification that the programs controlling said host processor of said personal digital assistant controlled it to display digital video recording recording and playback functionality menus on the display of the PDA and cause the PDA to monitor for user input commands and send any such commands to the DVR enabled gateway or headend so as to invoke the desired digital video recording or playback function.

TER-015.3D 1/05 AMEND

Darbee does not disclose such a function. Darbee only discloses an add on transceiver to a PDA to send infrared commands to control external equipment. There is no teaching in Darbee of displaying video on the PDA, and, even if the teachings of Adair were added to the Darbee teachings, Adair does not teach displaying digital video recording and playback menus on the video display of the remote control or monitoring the remote control for entry of DVR record or playback commands and sending those commands to a DVR enabled gateway or headend.

Because the prior art does not contain a critical piece of knowledge needed to make the invention as now claimed, and does not recognize the problem that invention as now claimed is intended to solve, it is not fair to suggest that the invention as now claimed is suggested by the prior art. Suggestion arises from perception of liklihood of success in solving the problem the claimed invention solves. Without this critical piece of knowledge in the prior art, no such perception would arise from a reading of Darbee.

Claims 8, 9, 10 and 11 depend from claim 3 and is not obvious for the same reasons claim 3, as amended, is not obvious.

Claim 4 was rejected as obvious over a combination of Darbee and Adair. Claim 4 depends from claim 3, and is not obvious for the reasons explained above. To reiterate, claim 3 was amended to add specification that the programs controlling said host processor of said personal digital assistant controlled it to display digital video recording recording and playback functionality menus on the display of the PDA and cause the PDA to monitor for user input commands and send any such commands to the DVR enabled gateway or headend so as to invoke the desired digital video recording or playback function. Darbee does not disclose such a function. Darbee only discloses an add on transceiver to a PDA to send infrared commands to control external equipment. Adair does not teach displaying digital video recording and playback menus on the video display of the remote control or

monitoring the remote control for entry of DVR record or playback commands and sending those commands to a DVR enabled gateway or headend. Adair teaches a video enabled PDA which can be used for conference calls, but does not teach programming of the PDA to display digital video recorder menus. Accordingly, the combination is lacking essential information that is needed to solve the problem the claimed invention solves, so one skilled in the art would not perceive a liklihood of success in solving the problem the claimed invention solves from studying the combination of these two references.

Claims 5-7 and 12 were rejected as obvious over a combination of Darbee and Van Ryzin 6,255,961. In response to this rejection, claim 5 was amended by amending its parent claim 3 as defined above to add programming of the PDA to control its host processor to present DVR record and playback menus on the video display of the PDA. In addition, claim 5 was voluntarily amended to add details about how the PDA is used as a wireless web browser to receive user commands through the PDA and transmit them wirelessly to the gateway which sends them to the headend to cause it to cause servers coupled to the headend through a wide area network to fetch data. The headend then sends that data back to the gateway which sends it wirelessly to the PDA for display on the PDA screen. Neither Darbee nor Van Ryzin teach a PDA programmed to display DVR menus and act as a wireless DVR remote control, and neither teaches a PDA programmed to act as a wireless web browser by cooperation with a gateway and a headend which is coupled to a wide area network like the internet.

Although Van Ryzin teaches a remote control that can access the internet via a PC, it does not teach the remote control acting as a web browser or accessing the internet through a gateway coupled via a bidirectional HFC or DSL link to a headend. Accessing data from the internet is not the same as a web browser with its interface to the user being via the remote control display and user input device on the remote control. Nor does Van Ryzing

specifically teach using the remote control to control a digital video recording enabled gateway or headend by displaying the DVR record and playback menus on the remote control display and receiving commands to control the DVR via the remote control input device.   Darbee also does not teach nor suggest DVR menus on the remote control or using the remote control as a web browser. Suggestion is required for a combination of references, and suggestion arises out of a perception of liklihood of success in solving the problem the invention solves. No perception of liklihood of success arises when the references do not recognize the problem of controlling a DVR enabled gateway or headend from a remote control or suggest a solution and are silent as to using the remote control as a web browser.

Claim 6 has been amended to specify the remote control controls the household appliances coupled to the LAN by sending wireless commands to a gateway which is coupled to the household appliances via a LAN coupling the appliances to the gateway.

Claim 7 has been amended to add to the DVR menu and control functions of the remote control of parent claim 3 programming of the remote control to send commands to the gateway to cause the gateway to cooperate with the headend to select broadcast video programs desired by the user or to request the headend to send video on demand programs down to the gateway.   Neither reference teaches or suggests using a wireless remote control to control a headend to send video on demand programs or select broadcast video and controls DVR functions via an HFC or DSL link between the headend and a gateway to which the remote sends wireless commands.   Accordingly, the combination lacks critical teachings to make the claimed invention, and therefore a perception of liklihood of success in solving the problem by combining the references arises and claim 7 is not obvious.
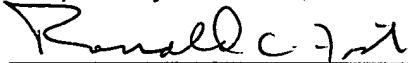
Claim 12 depends from claim 12 and claims a wireless discovery process to discover what servers are in or are coupled to the gateway or headend and their IP addresses. Both

references are completely silent about a wireless discovery process, so claim 12 is not suggested by a combination of the references.

New claim 13 is an apparatus claim which is like claim 3 but which combines the DVR menu displays and operation of claim 3 with the web browser programming of claim 4 and which removes the personal digital assistant limitations in case the remote control is a completely custom designed device.

Respectfully submitted,

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